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REMARKS

In response to the Office Action mailed September 11, 2006 (hereinafter "Office Action"), claims 19, 23 and 38-39 have been canceled without prejudice or disclaimer, claims 1-4, 7-18, 20 and 27-37 have been withdrawn due to an restriction requirement, and claims 5-6, 21-22, 24-26 and 40 have been amended. Claim 41 is newly added. Therefore, claims 5-6, 21-22, 24-26 and 40-41 are pending. Support for the instant amendments is provided throughout the as-filed specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

CLAIM OBJECTIONS

The Examiner has objected to claim 40 for allegedly being in improper multiple dependent form. [Office Action, pg. 2, ¶3]. Claim 40 has been amended. Thus, withdrawal of the claim objection is earnestly sought.

REJECTIONS UNDER 35 U.S.C. §102

Claims 5-6, 21-22 and 24-26 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,989,958 to Hamada *et al.* ("Hamada"). [Office Action, pg. 3, ¶5]. Applicant respectfully traverses this rejection for at least the reason that Hamada neither explicitly nor impliedly discloses each of the elements of claims 5-6, 21-22 and 24-26.

A patent claim is anticipated if a prior art reference discloses, either expressly or inherently, all of the limitations of the claim. Applicant respectfully disagrees with the propriety of the rejection. However, solely in an effort to expedite prosecution, claim 5 has

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been amended to clarify points of novelty over Hamada. As such, claim 5 is directed to a variable-optical characteristic optical unit and recites, *inter alia*, a booster member, which is included in a power source unit or a driving circuit, that is connected to a power source and generates a voltage necessary in the driving circuit in claim 5.

With this said, Applicant points out that the cited portions of Hamada clearly fail to disclose each and every element of claim 5. In particular, the cited portions of Hamada describe a focus adjusting apparatus comprising an optical system including a lens 1 for sensing an image and a focus lens device 2. A solid state image sensor or CCD 3 converts an image by the optical system into an electrical signal, which is then converted to a predetermined video signal, such as a luminance signal, by a converting circuit 4. A automatic focusing circuit 5 monitors the output from the converting circuit 4, such as the high-frequency component of the luminance signal, and applies an output of the same level to a voltage applying circuit 11. The voltage applying circuit 11 then applies the necessary voltage to electrodes 8 and 9 based on the converting circuit 4 so that an in-focus condition can be maintained in the focus lens device 2. *See*, column 2, lines 49-57 and column 4, lines 50-60 of Hamada.

The invention as recited in claim 5 differs from the disclosure of Hamada in at least including a booster member that is connected to a power source. The Office Action alleges that the recited booster member is analogous to the converting circuit 5 of Hamada. This allegation is incorrect. The booster member as recited in claim 5 is included in the power source unit or the driving circuit and is connected to the power source. The booster member is operable to generate a voltage necessary in the driving circuit to drive the variable-optical characteristic optical element. In contrast, the converting circuit 5 of Hamada converts a

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signal from the image sensor or CCD 3 to a predetermined video signal, such as a luminance signal. The converting circuit 5 does not generate a voltage necessary to drive the focus lens device 2. Therefore, the recited booster member is not analogous to the converting circuit 5 of Hamada since they are functionally distinct.

Therefore, the cited portions of Hamada fail to anticipate claim 5 at least because they fail to disclose all the features of claim 5. Claims 6, 24 and 40 are patentable over Hamada at least by virtue of their dependency from claim 5, and for the additional features recited therein.

Claim 21 recites similar aspects as claim 5 and is allowable for at least similar reasons as discussed above with respect to claim 5, and for the features recited therein. Hamada fails to disclose a variable-optical-characteristic optical unit having a deformable optical surface as recited in claim 21. For example, the recited features including the control system further including booster member that is connected to a power source and operable to apply a voltage necessary for driving the variable-focus optical element are missing from the disclosure of Hamada.

Claim 22 is patentable over Hamada at least by virtue of its dependency from claim 21 for the additional features recited therein.

Claim 25 recites similar aspects as claim 5 and is allowable for at least similar reasons as discussed above with respect to claim 5, and for the features recited therein. Hamada fails to disclose a image system as recited in claim 25. For example, the recited features including the power source unit or driving circuit further including a booster member that is connected to a power source and generates a voltage necessary in the driving circuit are missing from the disclosure of Hamada.

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New claim 41 is patentable over Hamada at least by virtue of its dependency from claim 25 for the additional features recited therein.

Claim 26 recites similar aspects as claim 5 and is allowable for at least similar reasons as discussed above with respect to claim 5, and for the features recited therein. Hamada fails to disclose a image system as recited in claim 26. For example, the recited features including the control system further including a booster member that is connected to a power source for applying a voltage necessary for driving the variable-focus optical element are missing from the disclosure of Hamada.

New claim 41 is patentable over Hamada at least by virtue of its dependency from claim 26 for the additional features recited therein.

Thus, Applicant respectfully requests that the rejection of claims 5-6, 21-22 and 24-26 under 35 U.S.C. §102(b) be withdrawn and the claims be allowed.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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